

JAN HASSELMAN (WSB #29107)  
 Earthjustice  
 705 Second Avenue, Suite 203  
 Seattle, WA 98104-1711  
 (206) 343-7340  
 (206) 343-1526 [FAX]  
 jhasselman@earthjustice.org

THE HONORABLE RICHARD A. JONES

*Attorney for Plaintiff*

UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF WASHINGTON

SWINOMISH INDIAN TRIBAL	)	
COMMUNITY,	)	Civ. No. C07-1348-RAJ
	)	
Plaintiff,	)	
	)	STIPULATED MOTION TO APPROVE
v.	)	SECOND AMENDED CONSENT DECREE;
	)	[PROPOSED] ORDER APPROVING
SKAGIT COUNTY DIKE DISTRICT NO. 22,	)	SECOND AMENDED CONSENT DECREE
BOARD OF COMMISSIONERS OF SKAGIT	)	
COUNTY DIKE DISTRICT NO. 22,	)	
STANLEY E. NELSON, NOLAN LEE,	)	NOTE ON MOTION CALENDAR:
CURTIS B. WYLIE, ROBERT A. HUGHES,	)	FRIDAY, OCTOBER 12, 2012
and DAVID HUGHES,	)	
	)	
Defendants.	)	

Pursuant to the Court's September 5, 2008 summary judgment order, plaintiff Swinomish Indian Tribal Community ("Tribe") and defendants Skagit County Dike District No. 22, et al. ("District") jointly move this Court to adopt the attached Second Amended Consent Decree settling the remedy for the District's violations of the Clean Water Act ("CWA") and Endangered Species Act ("ESA"). The Second Amended Consent Decree, which is lodged herewith as Exhibit 1, represents a good faith settlement of the remaining disputed issues in this case and is consistent with and advances the goals of the CWA and ESA.

The parties have submitted the attached Consent Decree to the federal government for

STIPULATED MOTION TO APPROVE SECOND AMENDED  
 CONSENT DECREE; [PROPOSED] ORDER APPROVING  
 SECOND AMENDED CONSENT DECREE (C07-1348-RAJ) - 1 -

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 Seattle, WA 98104  
 (206) 343-7340

comment. The parties have agreed to make changes to their proposed amended consent decree at the request of the federal government, and those changes are reflected in the second amended consent decree attached to this motion. The parties have been informed that because the government's proposed changes have been agreed to by the parties, the government has no objection to the entry of this second amended consent decree, and intends to inform the Court of its position by letter shortly. **Accordingly, the parties respectfully request that the Court enter this Second Amended Consent Decree at its earliest convenience after the noting date for this motion.**

Respectfully submitted this 5th day of October, 2012.

s/ Jan Hasselman  
 JAN HASSELMAN (WSB #29107)  
 Earthjustice  
 705 Second Avenue, Suite 203  
 Seattle, WA 98104-1711  
 (206) 343-7340  
 (206) 343-1526 [FAX]  
 jhasselman@earthjustice.org

*Attorney for Plaintiff*

\* per email authorization

s/ Jan Hasselman, for \*  
 GARY T. JONES (WSBA #5217)  
 Jones & Smith  
 Attorneys at Law  
 P.O. Box 1245  
 415 Pine Street  
 Mount Vernon, WA 98273  
 (360) 336-6608  
 (360) 336-2094 [FAX]  
 gjones@jonesandsmith.com

*Attorney for Defendants*

[PROPOSED] ORDER APPROVING SECOND  
AMENDED CONSENT DECREE

The Second Amended Consent Decree is hereby APPROVED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
THE HONORABLE RICHARD A. JONES  
Judge, U.S. District Court

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the State of Washington. I am over 18 years of age and not a party to this action. My business address is 705 Second Avenue, Suite 203, Seattle, Washington 98104.

On October 5, 2012, I served a true and correct copy of the following documents on the parties listed below:

1. Stipulated Motion to Approve Second Amended Consent Decree; [Proposed] Order Approving Second Amended Consent Decree; and
2. **Second Amended** Consent Decree Re. Remedy for Violations of Endangered Species Act and Clean Water Act [Exhibit 1].

Gary T. Jones  
 Jones & Smith  
 Attorneys at Law  
 P.O. Box 1245  
 Mount Vernon, WA 98273  
**Street address:**  
 415 Pine Street  
 Mount Vernon, WA 98273-3853  
 360-336-6608  
 360-336-2094 [FAX]  
 gjones@jonesandsmith.com  
*Attorney for Defendants*

- ☐ via facsimile
- ☐ via overnight courier
- ☐ via hand delivery
- ☐ via first-class U.S. mail
- ☐ via e-mail
- ☒ via Court's CM/ECF system

Karen Budd-Falen  
 Budd-Falen Law Offices, LLC  
 P.O. Box 346  
 Cheyenne, WY 82003  
**Street address:**  
 300 E. 18<sup>th</sup> Street  
 Cheyenne, WY 82003  
 307-632-5105  
 karen@buddfalen.com  
*Attorney for Defendants*

- ☐ via facsimile
- ☐ via overnight courier
- ☐ via hand delivery
- ☐ via first-class U.S. mail
- ☐ via e-mail
- ☒ via Court's CM/ECF system

1 I, Catherine Hamborg, declare under penalty of perjury that the foregoing is true and  
2 correct. Executed on this 5th day of October, 2012, at Seattle, Washington.

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6 Catherine Hamborg  
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